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13  
14 **UNITED STATES BANKRUPTCY COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA**

16 **SAN JOSE DIVISION**

17 LEEANNA DODSON MARTINEZ

18 Debtor.

Case No. 18-51883 MEH

Chapter 13

19  
20 NAVISCENT, LLC,

21 Plaintiff

A.P. No. 18-05058

22 v.

23 MICHAEL OTTE,

24 Defendant.

**ORDER DENYING MOTION BY  
DEFENDANT TO DISMISS ADVERSARY  
PROCEEDING COMPLAINT**

Date: January 15, 2019

Time: 10:00 a.m.

Place: Courtroom 3020

280 South First Street

San Jose, California

1 The Motion by Defendant to Dismiss Adversary Proceeding Complaint (“Motion”) came on  
2 for hearing at the date, time and place set forth above. Robert G. Harris, Esq. of Binder & Malter,  
3 LLP appeared for plaintiff and creditor Naviscent, LLC (“Naviscent”). Nanette Dumas, Esq.,  
4 appeared for Chapter 13 Trustee Devin Derham-Burk (the “Trustee”). Brent Meyer, Esq. of the  
5 Meyer Law Group appeared for Chapter 13 debtor Leeanna Martinez. Steven Sibley of DiNapoli &  
6 Sibley appeared for defendant Michael Otte. After consideration of the evidence, pleadings and  
7 arguments of counsel the Court, for the reasons stated on the record, hereby DENIES the Motion.

8 IT IS THEREFORE ORDERED that

- 9
- 10 1. Defendant’s answer in this proceeding is due on February 14, 2019; and,
  - 11 2. Santa Clara County Superior Court case number 18CV331509, *Naviscent, LLC v.*  
12 *Michael Otte*, is stayed pending further order of this Court or dismissal of the above-  
13 captioned adversary proceeding.

14 **APPROVED AS TO FORM:**

15  
16 Dated: Jan. 17, 2019

DINAPOLI & SIBLEY

17 /s/ Steven J. Sibley

18 Steven Sibley

19 Attorneys for Defendant Michael Otte

20 \*\*\*\*\* END OF ORDER \*\*\*\*\*  
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